

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES CHAMBERLAIN,

Plaintiff,

v.

Case No. 04-74382

Hon. John Corbett O'Meara

JANET OLSZEWSKI, et al.,

Defendants.

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ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT

Plaintiff, a prisoner in the Michigan Department of Corrections, filed a pro se lawsuit on November 19, 2004, seeking mental health treatment for Attention Deficit Hyperactivity Disorder. Plaintiff cited a number of legal theories, including the Americans with Disabilities Act, the Eighth Amendment's Cruel and Unusual Punishment Clause, and the Fourteenth Amendment's Equal Protection Clause. Defendants, employees of the Michigan Department of Corrections and the Michigan Department of Community Health, filed motions to dismiss the complaint on January 31, 2005 and February 1, 2005. The motions were referred to Magistrate Judge Mona Mazoub for a report and recommendation. On April 7, 2005, Magistrate Judge Mazoub filed a report and recommendation that Defendants' motions be granted and the case be dismissed. Plaintiff filed objections on April 18, 2005. This court adopted Magistrate Judge Mazoub's report and recommendation in an order dated May 27, 2005, and final judgment was entered in favor of Defendants.

On June 6, 2005, Plaintiff filed a Motion to Alter or Amend Judgment, pursuant to Federal Rule of Civil Procedure 59. Plaintiff does not make any new arguments in this motion, but merely attempts to reemphasize previously made to the Magistrate Judge and this court.

While the court understands the hardships Plaintiff faces every day with Attention Deficit Hyperactivity Disorder, the legal reasoning of the Magistrate Judge's report and recommendation was sound. Our laws do not currently mandate psychological treatment for such a disorder in our prisons. The plaintiff has not stated a claim upon which relief can be granted.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's June 6, 2005 Motion to Alter or Amend Judgment is **DENIED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: August 23, 2005